

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Jean-Francois BILLIARD et al. Conf. 4049

Application No. 10/562,821 Group 2175

Filed December 29, 2005 Examiner Tank, Andrew J.

METHOD AND DEVICE FOR GRAPHICAL INTERFACING

REPLY BRIEF

MAY IT PLEASE YOUR HONORS:

 This reply brief is in response to the Examiner's
Answer of December 2, 2008.

 Appellant is not in disagreement with Sections (1)-
(9) and (11) of the Examiner's Answer (the "Answer").

 Appellant is in disagreement with the Examiner as to
Section (10) Response to Argument.

In Reply to Examiner's Response to Argument I.(A)1

 In the paragraph spanning pages 14 and 15 of the
Answer, the Examiner states that Davis (U.S. Patent
Publication 2002/0130900 A1; hereinafter "DAVIS") teaches an
XML stream from a projector or server and received by a client
computer including both instruction data and display data to
be displayed, and that this information is interpreted by the

client computer by being associated with further information stored locally on the client computer with regard to the client computer's rendering environment. The Examiner states that this association provides a "model" by which the associated information may be rendered on the client-side GUI. Therefore, the Examiner concludes that a visualization model is constructed at the client computer through the association of the response data with the native widgets.

Applicants respectfully disagree. The Examiner considers that DAVIS discloses the construction of the visualization model at the client side because of a refining step of the appearance with a local set of widgets at the client computer. Respectfully, refining, or completing, a display as disclosed by DAVIS differs from the construction of a visualization model as recited by the present invention.

The present invention requires that a display data be merged, at the client terminal, with the visualization model and displayed as a merged result (see, e.g., claim 13). In other words, the visualization model is constructed locally with the display data by means of the merging step. DAVIS discloses no separation of instructions data and data to be displayed; instead, according to DAVIS, the merging step is performed at the projector prior to transmission to the client computer (DAVIS, paragraph [0008], lines 1-7). For example, DAVIS offers no teaching or suggestion that the XML stream

distinguishes between instruction data and data to be displayed (DAVIS, paragraph [0030]). Hence, DAVIS' XML stream is a merged result created by and originating from the projector, contrary to that recited in the instant claims.

Moreover, DAVIS fails generally to teach or suggest a differentiation of visualization model and display data. This is because such a teaching is inappropriate where the whole display is essentially constructed at the projector end prior to being displayed by the local resources of the viewer application at the client computer.

Therefore, it is respectfully submitted that the Examiner's response to this argument is incorrect.

In Reply to Examiner's Response to Argument I.(A)2

In the paragraph spanning pages 15 and 16 of the Answer, the Examiner contends that the client computer of DAVIS is not completely dependent on the projector, stating that DAVIS discloses interactions occurring on the viewer application of the client computer that do not need to be sent to the projector for processing.

Respectfully, this is incorrect. The Examiner offers paragraph [0034] of DAVIS in support of his argument, but the first sentence of this paragraph teaches "[t]he present invention is also advantageous as compared to custom client binaries because it sends updates to the server 102

only when the user performs an event by clicking on a button or pressing "Enter," for example." In other words, DAVIS functions by passing all UI events to the projector for processing, but unlike bitmapped remote desktop applications, DAVIS need not continually query the projector for screen updates (see DAVIS paragraph [0005]. The remainder of paragraph [0034] supports this teaching. Hence, all events at the level of the client computer are transmitted to the projector (server).

In contrast, the present invention requires logical rules applied at the client terminal to the visualization model by a rules engine, providing event-operated interface controls in the visualization model and script code to manage the event-operated interface controls at the level of the client terminal (see, e.g., claim 13).

DAVIS does not teach this, in paragraph [0034] or elsewhere in the reference. DAVIS teaches "during execution of the software application, the code component of the application is processed in the projector, which is a software application server. Preferably, the code processing is performed in a virtual machine within the projector," (paragraph [0008]). "The viewer transmits all user interaction with the graphical user interface to the projector over the Internet or an intranet," (paragraph [0011]).

It is therefore respectfully submitted that DAVIS fails to teach a managing of event-operated interface controls at the level of the client terminal, and that the Examiner's response is incorrect.

In Reply to Examiner's Response to Argument I.(B)1

The reply presented above to the Examiner's Response to Argument I.(A)2 is relevant to the Examiner's response to Argument I.(B)1. Accordingly, it is respectfully submitted that the Examiner's response to Argument I.(B)1 is incorrect.

In Reply to Examiner's Response to Argument I.(B)2

In the paragraph spanning pages 16 and 17 of the Answer, the Examiner states that the references DAVIS and Sanderson (WO 02/44897 A1; hereinafter "SANDERSON") teach improvements over script use, and that a known or obvious feature does not become patentable simply because it has been described as somewhat inferior to some other product for the same use (MPEP § 2145 IX D. 1).

Respectfully, this is incorrect. On the contrary, SANDERSON makes no teaching of script use (please see, e.g., section I. (C) of the Appellants' Appeal Brief), whereas DAVIS teaches that the use of scripts is unsuitable.

DAVIS teaches that the client software viewer "does not require a browser," (paragraph [0032]), wherein the viewer

"runs directly and locally on the client computer 202 to provide the user with an easy-to-use, familiar environment," (paragraph [0032]). By stating that the DAVIS viewer "takes less time for developers to create software applications... because they do not have to bother with entering data into web pages in HTML, JavaScript, VBScript, ASP, Java, etc.," (paragraph [0032]), DAVIS is underscoring the advantage provided by the design decision to use a native application running on the client computer in place of a script-based application like a browser.

One of skill would readily understand from this teaching that DAVIS is not suggesting the use of scripts as a viable, if inferior, alternative to the disclosed native binary application. On the contrary, unlike the epoxy resin based materials of In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994), DAVIS makes no teaching of any advantageous feature, or even a merely adequate feature, offered by the use of scripts. Accordingly, it is respectfully submitted that MPEP § 2145 IX D. 1 is not applicable.

In Reply to Examiner's Response to Argument I.(C)

In the second paragraph from the bottom of page 17 of the Answer, the Examiner acknowledges that SANDERSON does not teach the logical rules as recited by claim 13.

In Reply to Examiner's Response to Argument II(1)

In the bottom paragraph of page 17 of the Answer, the Examiner mischaracterizes the deficiency of DAVIS in failing to teach a merge of data with a visualization model, stating that SANDERSON overcomes the deficiency by showing that displaying merged data at a client to yield "a result" is known in the analogous art.

The Examiner indicates that the deficiency in DAVIS is due to DAVIS not teaching a merging of data with a visualization model. Respectfully, this is not correct. DAVIS fails to teach a merging of data with a visualization model at the client terminal. DAVIS does teach a merging of data with a visualization model at the projector.

As stated in the Reply to Examiner's Response to Argument I.(A)1, DAVIS teaches transmitting an entire display, not a visualization model, from the projector to the client computer to appear as a local application via the viewer. The local merge is therefore excluded from DAVIS not only because it is not explicitly disclosed, but also because the display data and the visualization model correspond in DAVIS to a single concept, built at the projector and made available at the client computer.

Consequently the deficiency of DAVIS is not overcome by SANDERSON simply because SANDERSON discloses a local merge.

On the contrary, the skilled person would have had to fully modify the teachings of DAVIS to make such a local merge: one would have separated instruction data and displaying data at the level of the projector rather than constructing a full display of the application, one would have sent these separate data as distinct data streams to the client computer, and one would have modified the DAVIS' viewer application to enable it to process such separate sets of data to finally be able to make a merge.

SANDERSON does not teach this, and thus SANDERSON fails to overcome the aforementioned deficiencies of DAVIS.

In Reply to Examiner's Response to Argument II(2)

The Examiner's argument with respect to the display data of the response being merged with the visualization model at the client computer, in the first paragraph of page 18 of the Answer, is addressed at least by the Reply to the Examiner's Response to Argument II(1), above.

In Reply to Examiner's Response to Argument II(3)

The Examiner's argument stating that DAVIS does not explicitly teach the merging step at the client computer, in the second paragraph of page 18 of the Answer, is addressed at least by the Reply to the Examiner's Response to Argument II(1), above.

Summary

In view of Appellant's Appeal Brief and the foregoing Reply, it follows that both grounds of rejections are improper and should be reversed. Accordingly, reversal of the pending obviousness rejections is respectfully solicited.

Respectfully submitted,

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